

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

FREDDIE BILLS, JR.,

Petitioner,

v.

Case No. 2:04-cv-116
HON. R. ALLAN EDGAR

BARBARA BOUCHARD,

Respondent.

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MEMORANDUM AND ORDER

Petitioner Freddie Bill, Jr (“Bills”), a state prisoner in the custody of the Michigan Department of Corrections, has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. Respondent has filed an answer and opposes the habeas petition. [Doc. No. 9].

The habeas petition was referred to Magistrate Judge Timothy P. Greeley for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and W.D. Mich. LCivR 72.1(d). On November 20, 2006, the Magistrate Judge submitted his report and recommendation. [Doc. No. 16]. The Magistrate Judge recommends that the habeas petition be denied and dismissed with prejudice. Petitioner Bills has not timely filed an objection to the report and recommendation.

After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. LCivR 72.3(b). The Court concludes that the respondent’s answer [Doc. No. 9] is well taken. The petition for writ of habeas

corpus shall be **DENIED and DISMISSED WITH PREJUDICE**.

If Bills should timely file a notice of appeal, it will be treated as an application for a certificate of appealability which shall be **DENIED** pursuant to 28 U.S.C. § 2253(c)(2) and Fed. R. App. P. 22(b)(1) because the Court finds that he has not made a substantial showing of the denial of a constitutional right.

A separate judgment will enter.

SO ORDERED.

Dated: December 19, 2006.

/s/ R. Allan Edgar

R. ALLAN EDGAR

UNITED STATES DISTRICT JUDGE

